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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BELLA-CHRISTINA BIRRELL, aka  
DAVID WESLEY BIRRELL,

Plaintiff,

v.

JOYCE BANZHAF, et al.,

Defendants.

No. 2:14-cv-1024 JAM CKD P (TEMP)

ORDER

Plaintiff is proceeding pro se and in forma pauperis pursuant to 28 U.S.C. § 1915. By order filed January 19, 2016, the court determined that service of the second amended complaint is appropriate for defendants California Medical Facility (“CMF”) Correctional Officer Landon Bravo and volunteer Joyce Banzhaf and ordered plaintiff to provide information necessary to effectuate service on these defendants. Defendant Bravo has since been served and has now appeared in this action. See ECF No. 28. As for defendant Banzhaf, she is identified as a volunteer Lead Coordinator with the “Alternatives to Violence” program (“AVP”), an independent non-profit organization providing workshops to inmates at CMF. See Sec. Am. Compl. ¶ 7.

At issue here is plaintiff’s inability to locate a service address for defendant Banzhaf. Plaintiff previously requested the court’s assistance in finding an address, but this request was denied because she failed to identify any steps taken to find it herself. (ECF No. 21.) Plaintiff was

1 thus again directed to file necessary service documents for defendant Banzhaf.

2 Now pending is plaintiff's second request for the court's assistance. ECF No. 23. In this  
3 motion, plaintiff states that she attempted to locate a service address by (1) looking into phone  
4 books for a home address but learned that these books at the institution are not up to date; (2)  
5 asking volunteer staff members to perform an internet search but they refused to help when they  
6 learned that plaintiff was seeking a home address for another volunteer staff member; and (c)  
7 attempting to contact volunteer staff members during a recent AVP workshop at CMF but her  
8 "efforts proved with negative results." Following these efforts, plaintiff was warned that any  
9 further attempts to locate and/or to obtain the assistance of volunteer staff members to locate an  
10 address for defendant Banzhaf would subject plaintiff to disciplinary action. Plaintiff has also  
11 been unable to locate a local address for the AVP.

12 As plaintiff was previously informed, it is her responsibility to provide an address to  
13 effectuate service on defendant. See Walker v. Sumner, 14 F.3d 1415, 1422 (9th Cir. 1994),  
14 abrogated on other grounds by Sandin v. Conner, 515 U.S. 472 (1995). Nonetheless, in an  
15 abundance of caution, the court will seek the assistance of the Supervising Deputy Attorney  
16 General, Monica Anderson. The court requests that Ms. Anderson take all steps necessary to  
17 enlist the assistance from the California Department of Corrections and Rehabilitation ("CDCR")  
18 to obtain a service address for defendant Banzhaf so that the court can direct the United States  
19 Marshal ("USM") to serve process without further delay. Pursuant to this court's prior order, the  
20 USM "shall maintain the confidentiality of all information so provided pursuant to this order."  
21 ECF No. 21. Therefore, Ms. Anderson may provide the USM with the address of the AVP, and  
22 notify the court that the address was provided. Once the court receives confirmation that the  
23 address was provided, the court will direct the USM to execute service of process. The court  
24 requests that the information be provided within thirty days from the date of this order.

25 Accordingly, IT IS HEREBY ORDERED that:

- 26 1. Plaintiff's motion for court order (ECF No. 23) is granted;
- 27 2. Supervising Deputy Attorney General Monica Anderson is requested to take all steps  
28 necessary to enlist the assistance from the CDCR to obtain a service address for

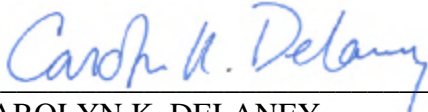
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defendant Banzhaf. Within thirty days from the date of this order, Ms. Anderson is requested to provide the address to the USM and so inform the court. If an address for defendant Banzhaf and/or the AVP cannot be located, Ms. Anderson shall so advise;

3. The Clerk of Court is directed to serve a copy of this order on Monica Anderson, Supervising Deputy Attorney General; and

4. Plaintiff is granted an additional ninety days in which to serve process on defendant Banzhaf.

Dated: July 8, 2016

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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